

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ELROY GARZA, #923733	§	
VS.	§	CIVIL ACTION NO. 6:04cv485
MARY C. MANCERA, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Elroy Garza, an inmate confined in administrative segregation as a gang member at the Coffield Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. He complained that prison officials have not yet permitted him to enroll in the Gang Renouncement and Disassociation Program (“GRAD”) in order to get out of administrative segregation. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who concluded that the complaint should be dismissed as frivolous and for failure to state a claim upon which relief may be granted. The Plaintiff has filed a series of responses (docket entry numbers 16, 18 and 19), which are construed as objections.

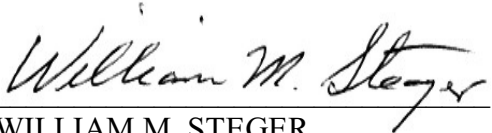
The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. The Report and Recommendation correctly noted that the availability of relief regarding classification issues is limited. *See Jackson v. Cain*, 864 F.2d 1235 (5th Cir.

1989); *Young v. Wainwright*, 449 F.2d 338 (5th Cir. 1971). Moreover, the Plaintiff does not have a constitutional right to be enrolled in educational programs. *Beck v. Lynaugh*, 842 F.2d 759, 762 (5th Cir. 1988). Finally, the Plaintiff has not shown that he has been denied equal protection because other inmates have been enrolled in the program before him. The Plaintiff has not shown a violation of his constitutional rights in order to obtain any relief from federal court. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 23rd day of May, 2005.


WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE